UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:20-cv-00067-MR

THOMAS DAVID HUGHES,)	
)	
Plaintiff,)	
)	
vs.)	**ORDER**
)	
CHRISTOPHER WARD, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff's "Motion for Dismissal," which the Court construes as a motion for voluntary dismissal under Rule 41 of the Federal Rules of Civil Procedure.

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 on May 26, 2020, against Defendants Christopher Ward and FNU Fox, alleging violations of his rights under the Fifth, Eighth, and Fourteenth Amendments. [Doc. 1]. Plaintiff's Complaint survived initial review as to Plaintiff's Eighth and Fourteenth Amendment claims but not as to his Fifth Amendment claim. [Doc. 12]. Defendants answered Plaintiff's Complaint, and, on November 4, 2020, the Court entered a Pretrial Order and Case Management Plan. [Docs. 17, 18]. On January 6, 2021, the Court granted Defendants' motion to depose Plaintiff. [Docs. 27, 30].

Plaintiff now moves to dismiss his Complaint for the reasons stated in his motion. [Doc. 32]. Plaintiff also asks the Court grant "the Plaintiff immunity of payment for the defense's attorney fee's [*sic*]" because "Plaintiff filed the Complaint to the best of his ability and without malice." [Id. at 2]. Under Rule 41 of the Federal Rules of Civil Procedure, the Court may dismiss an action on Plaintiff's request "on terms that the court considers proper." FED. R. CIV. P. 41(a)(2). The Court sees no reason to deny Plaintiff's motion for voluntary dismissal here and will grant Plaintiff's motion without prejudice. The Court will also order that each party bear their own costs.
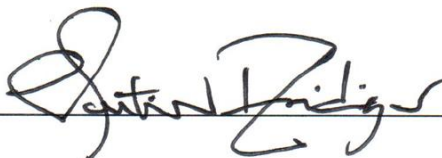
ORDER

IT IS THEREFORE ORDERED that Plaintiff's motion [Doc. 32] is **GRANTED**, and this action is dismissed without prejudice.

IT IS FURTHER ORDERED that the parties shall bear their own costs in this action.

The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: March 1, 2021

Martin Reidinger
Chief United States District Judge

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